

INTERNATIONAL SEARCH REPORT

PCT/IB2004/002751

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61M15/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61M

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/068029 A (OPTINOSE AS ; DJUPESLAND PER GISLE (NO)) 6 September 2002 (2002-09-06) page 7, line 5 - page 11, line 39 -----	1-12, 23-28, 30,34, 35, 56-58, 60-63
X	WO 03/020350 A (OPTINOSE AS ; DJUPESLAND PER GISLE (NO)) 13 March 2003 (2003-03-13) page 16, line 29 - page 19, line 31 ----- -/-	1-12, 23-28, 30, 32-37, 56-58, 60-63

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the International filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the International filing date but later than the priority date claimed

- "T" later document published after the International filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the Invention
- "X" document of particular relevance; the claimed Invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed Invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the International search

1 April 2005

Date of mailing of the International search report

12-05-2005

Name and mailing address of the ISA

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 1 008 361 A (BESPAK PLC) 14 June 2000 (2000-06-14) column 7, paragraph 38 - column 8, paragraph 41 -----	1,25-27
X	WO 00/51672 A (DJUPESLAND PER GISLE) 8 September 2000 (2000-09-08) cited in the application page 17, line 16 - page 19, line 18 -----	1-12
A	US 2001/015387 A1 (FUCHS KARL-HEINZ) 23 August 2001 (2001-08-23) page 1, right-hand column, paragraph 10 -----	1,25-27
X	US 5 113 855 A (NEWHOUSE MICHAEL T) 19 May 1992 (1992-05-19)	56-58, 60,63
A	-----	1,4,6,9, 11,32
A	WO 03/000329 A (INHALE THERAPEUTIC SYST ; SMEULDERS STEPHEN (US); ALSTON WILLIAM (US)) 3 January 2003 (2003-01-03) page 8, line 2 - page 9, line 31 -----	1-12
X	WO 92/21404 A (NOVONORDISK AS) 10 December 1992 (1992-12-10)	63
A	page 2, line 10 - line 12 -----	1,25-27
X	FR 2 597 331 A (DENIS ALAIN) 23 October 1987 (1987-10-23) page 3, line 24 - page 4, column 4, line 18; figure 5 -----	63
A	GB 2 367 756 A (* BESPAK PLC) 17 April 2002 (2002-04-17) ----- page 1, line 17 - page 2, line 3 -----	1,12-22, 29, 39-48, 56-63

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: **64, 66**
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT – Method for treatment of the human or animal body by therapy
2. Claims Nos.: **65, 66**
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

The additional search fees were accompanied by the applicant's protest.
 No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-12, 23-28, 30-38, 56-58, 60-62, 63, 64

a breath-actuated delivery device, comprising:

- A) a delivery unit
- B) a loading unit,
and
- C) a mouthpiece
- D) an air channel
- E) a flexible actuation member, actuatable on exhalation

2. claims: 39-55 and 13-22, 29, 59

a delivery device, comprising:

- A) a delivery unit
- B) a loading unit,
and
- F) a drive member, broken upon actuation

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.1

Claims Nos.: 64, 66

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

Continuation of Box II.2

Claims Nos.: 65, 66

Claims 65 and 66 attempt to define their subject-matter with reference to the drawings, contrary to Rule 6.2 PCT. As these claims do not contain any technical features, they have not been searched under Article 17(2)(a)(ii) PCT.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

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Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 02068029	A 06-09-2002	BR 0207560 A		14-09-2004
		CA 2438977 A1		06-09-2002
		CN 1524001 A		25-08-2004
		EP 1365827 A2		03-12-2003
		EP 1363692 A2		26-11-2003
		EP 1365826 A2		03-12-2003
		EP 1363691 A2		26-11-2003
		GB 2374537 A		23-10-2002
		GB 2374807 A		30-10-2002
		GB 2374538 A ,B		23-10-2002
		GB 2374808 A ,B		30-10-2002
		WO 02068032 A2		06-09-2002
		WO 02068029 A2		06-09-2002
		WO 02068030 A2		06-09-2002
		WO 02068031 A2		06-09-2002
		JP 2004528073 T		16-09-2004
		US 2004112378 A1		17-06-2004
		US 2004149289 A1		05-08-2004
		US 2004112379 A1		17-06-2004
		US 2004112380 A1		17-06-2004
		ZA 200306564 A		15-10-2004
WO 03020350	A 13-03-2003	GB 2381460 A ,B		07-05-2003
		GB 2395909 A ,B		09-06-2004
		WO 03020350 A1		13-03-2003
		US 2005028812 A1		10-02-2005
		BR 0210332 A		28-12-2004
		CA 2450492 A1		03-01-2003
		EP 1399203 A1		24-03-2004
		JP 2005500877 T		13-01-2005
		MX PA03011264 A		18-03-2004
EP 1008361	A 14-06-2000	GB 2344534 A		14-06-2000
		EP 1008361 A2		14-06-2000
		US 6354290 B1		12-03-2002
WO 0051672	A 08-09-2000	AT 285810 T		15-01-2005
		AU 766410 B2		16-10-2003
		AU 2822700 A		21-09-2000
		BR 0008650 A		26-12-2001
		CA 2364009 A1		08-09-2000
		CN 1342093 A		27-03-2002
		DE 60017099 D1		03-02-2005
		EP 1161274 A1		12-12-2001
		EP 1180378 A2		20-02-2002
		GB 2349092 A ,B		25-10-2000
		WO 0051672 A1		08-09-2000
		ID 30286 A		15-11-2001
		JP 2002537908 A		12-11-2002
		MX PA01008849 A		21-07-2003
		NO 20014182 A		01-11-2001
		NZ 514442 A		29-08-2003
		PL 350220 A1		18-11-2002
		TR 200102563 T2		22-04-2002
		US 6715485 B1		06-04-2004
		US 2004182388 A1		23-09-2004
		ZA 200107206 A		02-12-2002

INTERNATIONAL SEARCH REPORT

PCT/IB2004/002751

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 2001015387	A1	23-08-2001	DE EP	10006369 A1 1125637 A2		16-08-2001 22-08-2001
US 5113855	A	19-05-1992	US	5201308 A		13-04-1993
WO 03000329	A	03-01-2003	EP JP TW WO	1399210 A2 2004531334 T 589201 B 03000329 A2		24-03-2004 14-10-2004 01-06-2004 03-01-2003
WO 9221404	A	10-12-1992	AT DE WO EP	126711 T 69204284 D1 9221404 A1 0587668 A1		15-09-1995 28-09-1995 10-12-1992 23-03-1994
FR 2597331	A	23-10-1987	FR AT DE EP EP WO	2597331 A1 69153 T 3774394 D1 0243261 A1 0266383 A1 8706456 A1		23-10-1987 15-11-1991 12-12-1991 28-10-1987 11-05-1988 05-11-1987
GB 2367756	A	17-04-2002	AU CA EP WO JP JP US	8608201 A 2415845 A1 1274477 A1 0230500 A1 3574807 B2 2004510559 T 6866039 B1		22-04-2002 18-04-2002 15-01-2003 18-04-2002 06-10-2004 08-04-2004 15-03-2005